

UNITED STATES DISTRICT COURT

Southern District Of California
Office Of The Clerk
880 Front Street, Room 4290
San Diego, California 92101-8900
Phone: (619) 557-5600
Fax: (619) 702-9900

W. Samuel Hamrick, Jr.
Clerk of Court

April 11, 2008

Clerk, U.S. District Court
District of Massachusetts
John Joseph Moakley United States
Courthouse, Suite 2300
One Courthouse Way
Boston, MA 02210-3002

4-CR-10016-N E

Re: 08mj1079-RBB, USA v. Waldir DeOliveira

Dear Clerk of the Court:

Enclosed please find copies of the following documents in connection with removal proceedings conducted in this District regarding the above named defendant:

| | |
|--|--|
| <input checked="" type="checkbox"/> Docket Sheet | <input checked="" type="checkbox"/> Warrant of Removal |
| <input checked="" type="checkbox"/> Complaint | <input type="checkbox"/> Order of Removal |
| <input type="checkbox"/> Minute Order Appointing Counsel | <input type="checkbox"/> Detention Order |
| <input type="checkbox"/> Corporate Surety Bond | <input checked="" type="checkbox"/> Waiver of Removal |
| <input type="checkbox"/> Personal Surety Bond | |
| <input type="checkbox"/> Other | |

Please acknowledge receipt of the above documents on the enclosed copy of this letter.

Sincerely yours,

W. Samuel Hamrick, Jr.
Clerk of Court

By: s/L Odierno
Deputy Clerk

CLOSED

U.S. District Court
Southern District of California (San Diego)
CRIMINAL DOCKET FOR CASE #: 3:08-mj-01079-RBB All Defendants
Internal Use Only

Case title: USA v. DeOliveira

Date Filed: 04/07/2008

Date Terminated: 04/10/2008

Assigned to: Magistrate Judge Ruben B.
Brooks**Defendant****Waldir DeOliveira (1)**

TERMINATED: 04/10/2008

represented by **Federal Defenders**

Federal Defenders of San Diego

225 Broadway

Suite 900

San Diego, CA 92101-5008

(619)234-8467

Fax: (619)687-2666

Email: cassd_ecf@fd.org

TERMINATED: 04/09/2008

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Public Defender or
Community Defender Appointment***Erick Guzman**

Federal Defenders

225 Broadway

Suite 900

San Diego, CA 92101

(619)234-8467

Email: erick_guzman@fd.org

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Public Defender or
Community Defender Appointment***Pending Counts**

None

I hereby attest and certify on 4-11-08
That the foregoing document is a full, true and correct
copy of the original on file in my office and in my legal
custody.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

By Deputy Deputy

Disposition

Highest Offense Level (Opening)

None

Terminated Counts**Disposition**

None

Highest Offense Level (Terminated)

None

Complaints**Disposition**18:3583 - Violation of the conditions of
his supervision imposed by the court**Plaintiff**

USA

represented by **U S Attorney CR**

U S Attorneys Office Southern District
of California
880 Front Street
Room 6293
San Diego, CA 92101
(619)557-5610
Fax: (619)557-5917
Email: Efile.dkt.gc2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant United States
Attorney

| Date Filed | # | Docket Text |
|------------|-----|---|
| 04/07/2008 | ● 1 | OUT OF DISTRICT COMPLAINT as to Waldir DeOliveira (1). (cap) (Entered: 04/08/2008) |
| 04/07/2008 | ● | Arrest of Waldir DeOliveira on 4/7/2008. (cap) (Entered: 04/08/2008) |
| 04/07/2008 | ● 2 | Minute Entry for proceedings held before Judge Ruben B. Brooks : Initial Appearance on out of district complaint in Rule 5(c)(3) Proceedings as to Waldir DeOliveira held on 4/7/2008. Federal Defenders appointed for Waldir DeOliveira. Bond set as to Waldir DeOliveira (1) No bail; Oral Motion for Detention by Government (Flight). Government's Oral Motion to unseal arrest warrant granted. Detention Hearing set for 4/10/2008 09:45 AM in Courtroom B before Magistrate Judge Ruben B. Brooks. |

| | | |
|------------|----------|---|
| | | Removal/ID Hearing set for 4/17/2008 09:00 AM in Courtroom B before Magistrate Judge Ruben B. Brooks. (Tape #RBB08:4:25-4:35).(Plaintiff Attorney Tara McGrath, AUSA).(Defendant Attorney Kris Kraus, FD-SA). (cap) (Entered: 04/08/2008) |
| 04/07/2008 | <u>③</u> | ORAL MOTION to Detain (Flight) by USA as to Waldir DeOliveira, as per [2] minute entry. (cap) (Entered: 04/08/2008) |
| 04/09/2008 | <u>④</u> | NOTICE OF ATTORNEY APPEARANCE: Erick Guzman appearing for Waldir DeOliveira (Attachments: # <u>1</u> Proof of Service)(Guzman, Erick) (jej). (Entered: 04/09/2008) |
| 04/10/2008 | <u>⑤</u> | Minute Entry for proceedings held before Magistrate Judge Ruben B. Brooks : Detention Hearing not held as to Waldir DeOliveira on 4/10/2008. Motion for Detention - withdrawn. Deft waives Detention Hearing without prejudice. Order filed. Deft waives ID/Removal Hearing. Waiver of ID/Removal filed. Warrant of Removal submitted. Deft ordered removed F/W to District of Massachusetts. All pending dates - vacated. Waldir DeOliveira terminated. (Tape #RBB08-1:10:32-10:38.)(Plaintiff Attorney Michelle Pettit, AUSA).(Defendant Attorney Erik Guzman, FD). (knh) (Entered: 04/11/2008) |
| 04/10/2008 | <u>⑥</u> | ORDER OF DETENTION as to Waldir DeOliveira. Signed by Judge Ruben B. Brooks on 4/10/2008. (knh) (Entered: 04/11/2008) |
| 04/10/2008 | <u>⑦</u> | WAIVER of Rule 5 Hearings by Waldir DeOliveira (knh) (Entered: 04/11/2008) |
| 04/10/2008 | <u>⑧</u> | WARRANT of Removal to District of Massachusetts Issued as to Waldir DeOliveira. (removal letter sent) (lao) (Entered: 04/11/2008) |

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BY: *SC* DEPUTY

ARREST ON OUT-OF-DISTRICT OFFENSE

CASE NUMBER: '08 MJ 1079

The person charged as DeOliveira, Waldir now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the Massachusetts on 12/27/07 with: Title 18 USC 3583 in violation of:

Violation of the conditions of his supervision imposed by the court.

The charging documents and the warrant for the arrest of the defendant which was issued by the above United States Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: 04/07/08

Steve Purinton
CI -Deputy United States Marshal

Reviewed and Approved

DATE: 4/7/08

Assistant United States Attorney

I hereby attest and certify on 4-11-08
That the foregoing document is a full, true and correct
copy of the original on file in my office and in my legal
custody.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

By *[Signature]* Deputy

UNITED STATES DISTRICT COURT

District of

MASSACHUSETTS

UNITED STATES OF AMERICA

WARRANT FOR ARREST

V.

Case Number: 1:04-cr-10016-NG

Waldir DeOliveira

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest _____

Waldir DeOliveira

Name

U.S. MARSHAL SERVICE
BOSTON, MA

2001 DEC 28 A 3 01

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

Indictment Information Complaint Order of court
 Pretrial Release Probation Supervised Release Violation Notice
 Violation Petition Violation Petition Violation

charging him or her with (brief description of offense)

 in violation of Title _____ United States Code, Section(s) _____ in violation of the conditions of his or her pretrial release imposed by the court. in violation of the conditions of his or her supervision imposed by the court.

Nancy Gertner

/s/ NANCY GERTNER

Name of Issuing Officer

Signature of Issuing Officer

USDJ

12/27/2007

1 Courthouse Way, Boston, MA

Title of Issuing Officer

Date and Location

RETURN

This warrant was received and executed with the arrest of the above-named individual at

| DATE RECEIVED | NAME AND TITLE OF ARRESTING OFFICER | SIGNATURE OF ARRESTING OFFICER |
|----------------|-------------------------------------|--------------------------------|
| DATE OF ARREST | | |

United States District Court
for the District of Massachusetts
Petition and Affidavit for Warrant or Summons for Offender Under Supervision

Name of Offender: Waldir DeOliveira**Case Number:** 1:04-CR-10016**Name of Sentencing Judicial Officer:** The Honorable Nancy Gertner, United States District Judge**Date of Original Sentence:** 2/17/05**Date of Sentence on First Violation:** 11/21/05**Date of Sentence on Second Violation:** 11/21/06**Original Offense:** Mail Fraud, in violation of 18 U.S.C. § 1341; and False Personation of a United States Officer or Employee, in violation of 18 U.S.C. § 912**Offense on First Violation:** Terminated from the Directions of Recovery Residential Drug Treatment Program**Offense on Second Violation:** Failure to notify the probation officer at least 10 days prior to any change in residence or employment.**Original Sentence:** 21 months' imprisonment followed by 3 years supervised release**Sentence on First Violation:** Time Served followed by 30 months supervised release**Sentence on Second Violation:** 11 months' imprisonment to be followed by 24 months supervised release**Type of Supervision:** Supervised Release**Date Original Supervision Commenced:** 8/25/05**Date Supervision Commenced:** 11/21/05**Asst. U.S. Attorney:** Seth Berman**Defense Attorney:** Syrie Fried, Federal Defender

PETITIONING THE COURT

To issue a warrant
 To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number **Nature of Noncompliance**

1. **Violation of Standard Condition No. 2:** The defendant shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.

A. The probation officer mailed a letter to the defendant's Somerville residence instructing him to report to the probation department on 11/29/07 at 9am. The defendant failed to report as instructed and he failed to contact the probation officer.

B. The probation officer mailed a letter to the defendant's Somerville residence

**Petition and Affidavit for Warrant or Summons
for Offender Under Supervision**

instructing him to report to the probation department on 12/6/07 at 9am. The defendant failed to report as instructed and he failed to contact the probation officer.

C. The defendant failed to submit a monthly supervision report for the month of November, 2007. As such, he has failed to notify the probation officer of his current address or his current form of employment.

II. Violation of Standard Condition No.2: The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

A. The probation officer left a voicemail message on the defendant's cellular phone instructing him to call the probation officer on 11/15/07 to discuss the current status of his residence and employment. The defendant failed to call the probation officer.

B. The probation officer left two voicemail messages on the defendant's cellular phone instructing him to call the probation officer on 12/11/07 to discuss the current status of his residence and employment. The defendant failed to call the probation officer.

III. Violation of Standard Condition No. 5: The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.

The defendant reported to the probation officer that he was employed by Short Stop Delivery Company, delivering bread for owner Jorge Vinha. The probation officer contacted Mr. Vinha on 12/20/07, and he stated that he never hired the defendant. As such, the status of the defendant's employment is unknown to the probation department.

IV. Violation of Standard Condition No. 6: The defendant shall notify the probation officer at least 10 days prior to any change in residence or employment.

A. The probation officer's last contact with the defendant at his residence was on 9/27/07. Since that date, the probation officer's attempts to reach the defendant at his Somerville residence have been unsuccessful. At this time, his whereabouts are unknown to the probation officer.

Prob 10C

- 3 -

**Petition and Affidavit for Warrant or Summons
for Offender Under Supervision****U.S. Probation Officer Recommendation:**

The term of supervision should be:

Revoked
 Extended for year(s), for a total term of years.

The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Reviewed/Approved by:

Respectfully submitted,

By

Brian McDonald
Supervising U.S. Probation Officer

Nicole Monteiro
U.S. Probation Officer
Date: 12/21/07**THE COURT ORDERS**

No Action
 The Issuance of a Warrant
 The Issuance of a Summons
 Other

Signature of Judicial Officer

Date

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

CALIFORNIA

APPEARANCE

Case Number: 08mj1079

To the Clerk of this court and all parties of record:

Enter my appearance as counsel in this case for

WALDIR FRANCISCO DEOLIVEIRA

I certify that I am admitted to practice in this court.

4/9/2008

Date

/s/ ERICK L. GUZMAN

Signature

Erick L. Guzman/Federal Defenders of SD

244391

Print Name

Bar Number

225 Broadway, Suite 900

Address

San Diego, CA 92101

City

State

Zip Code

(619) 234-8467

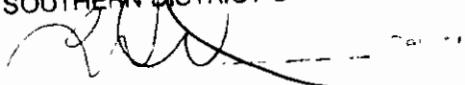
(619) 687-2666

Phone Number

Fax Number

I hereby attest and certify on 4-11-08
 That the foregoing document is a full, true and correct
 copy of the original document filed and in my legal
 custody.

CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA



UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,) Case No. 08mj1079
)
v.)
) CERTIFICATE OF SERVICE
WALDIR FRANCISCO DEOLIVEIRA,)
)
Defendant.) _____
)

Counsel for Defendant certifies that the foregoing pleading, is true and accurate to the best of his information and belief, and that a copy of the foregoing Defendant's Notice of Appearance has been electronically served this day upon:

United States Attorney's Office
880 Front Street
San Diego, CA 92101

Dated: April 9, 2008

/s/ Erick L. Guzman
ERICK L. GUZMAN
Federal Defenders
225 Broadway, Suite 900
San Diego, CA 92101-5030
(619) 234-8467 (tel)
(619) 687-2666 (fax)
E-mail: erick_guzman@fd.org

MINUTES OF THE UNITED STATES DISTRICT COURTUSA v. WALDIR DEOLIVEIRA [1] 08MJ1079

[] []

The Honorable: RUBEN B. BROOKSAtty ERIK GUZMAN OF F.D. for [1] - PDA

Atty _____ for [] -

Atty ANSA: Michelle Petit for [] -RBB08-1: 1032-1038 6min

DETENTION HEARING NOT HELD.

MOTION FOR DETENTION - WITHDRAWN.

DEFT WAIVES DETENTION HRG WITHOUT PREJUDICE. ORDER FILED.

DEFT WAIVES ID/REMOVAL HEARING.

WAIVER OF ID/REMOVAL FILED.

WARRANT OF REMOVAL SUBMITTED.

DEFT ORDERED REMOVED F/W TO DISTRICT OF MASSACHUSETTS.

All pend dates - vacatedDate: 4/10/08
by VTL

END OF FORM

I hereby attest and certify on 4-10-08
 That the foregoing document is a full, true and correct
 copy of the original on file in my office and in my legal
 custody.

CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

By  Deputy

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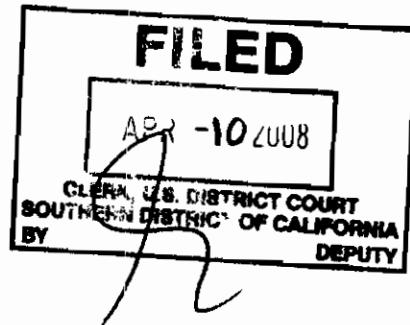
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 08MJ1079
Plaintiff,)
v.) ORDER OF DETENTION ON THE
WALDIR DEOLIVEIRA,) DEFENDANT'S WAIVER OF BAIL
Defendant.) PENDING TRIAL

In accordance with the Bail Reform Act of 1984, Title 18, United States Code, Section 3142(f), a detention hearing was scheduled and held on April 10, 2008, to determine whether the defendant WALDIR DEOLIVEIRA ("Defendant") should be held in custody pending trial and, if convicted, sentencing in the above-captioned matter. Assistant United States Attorney Michelle Pettit appeared on behalf of the United States and Erick L. Guzman, Esq. appeared on behalf of Defendant.

At the hearing on April 10, 2008, Defendant knowingly and voluntarily waived his right, on the record through counsel, to the setting of bail and a detention hearing. Based on the waiver, the Court orders that Defendant be detained pending trial, and, if convicted, sentencing in these matters, without prejudice or waiver of the right of Defendant to apply for bail and conditions of release at a later date, and without prejudice or waiver of the right of the United States to seek detention in the event of an application by Defendant for such relief.

ORDER

IT IS HEREBY ORDERED that Defendant be detained pending trial, and if convicted, sentencing in these matters.

IT IS FURTHER ORDERED that Defendant be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal. Defendant shall be afforded reasonable opportunity for private consultation with counsel.

While in custody, upon order of a court of the United States or upon the request of an attorney for the United States, the person in charge of the correctional facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding or any other appearance stipulated to by defense and government counsel.

This order is made without prejudice to modification by this Court and without prejudice to Defendant's exercise of his right to bail and a detention hearing at a future date.

IT IS SO ORDERED.

DATED: April 10, 2008



THE HONORABLE RUBEN B. BROOKS
United States Magistrate Judge
United States District Court for the
Southern District of California

Prepared by:

I hereby attest and certify on 4-11-08
That the foregoing document is a full, true and correct
copy of the original on file in my office and in my legal
custody.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

By _____ Deputy _____

/s/Michelle Pettit
MICHELLE PETTIT
Assistant United States Attorney

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

UNITED STATES OF AMERICA

V.

Waldyr Deoliveira

Defendant

FILED

APR - 10 2008

CALIFORNIA

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

WAIVER OF RULE 5(c) & 5.1(a) HEARINGS:

(Complaint/Indictment)

Proceedings Pending Outside So. Dist. of CA

CASE NUMBER: 08 MJ 1079

CHARGING DISTRICTS

CASE NUMBER:

04CR10016

I understand that charges are pending in the _____ District of _____ Massachusetts
 alleging violation of 18 USC 3583 and that I have been arrested in this district and
 (Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

 identity hearing preliminary hearing identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Waldyr Deoliveira
 Defendant

4/10/08

Date

Defense Counsel

I hereby attest and certify on 4-11-08
 That the foregoing document is a full, true and correct
 copy of the original on file in my office and in my legal
 custody.

CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

By RJ Deputy

~~PLEASE SIGN AND RETURN~~Warrant of Removal Probation/Supervised Release (After Waiver of Hearing)UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

WALDIR DeOLIVEIRA

Magistrate Case
No. **08MJ1079****WARRANT OF REMOVAL
(After Waiver of Hearing)**

To: United States Marshal

NOT FOR PUBLIC VIEW

A warrant having been issued in the District of Massachusetts, charging defendant **WALDIR DeOLIVEIRA** with violating a condition of supervised release, in violation of Title 18, United States Code, Section 3583, and the above-named defendant having been arrested in this district and, after waiving hearing, pursuant to Federal Rule of Criminal Procedure 32.1, having been committed by a United States Magistrate Judge to your custody pending his removal to that district,

You are hereby commanded to commit the above-named defendant forthwith to the District of Massachusetts and there deliver him to the United States Marshal for that district or to some other officer authorized to receive him.



HON. RUBEN B. BROOKS
United States Magistrate Judge

Dated at San Diego, California, this 101 day of April, 2008.

RECEIVED
U.S. MARSHAL'S OFFICE
APR 11 2008
101

RETURN

District of Massachusetts (at Boston)

ss

Received the within warrant of removal the _____ day of _____, 2008, and executed same.

I hereby attest and certify on 4-11-08
That the foregoing document is a full, true and correct
copy of the original on file in my office and in my legal
custody.

U. S. Marshal

By _____ Deputy Marshal

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

By  Deputy